

REMARKS

In the Office Action¹ dated October 15, 2008, the Examiner:

- rejected claim 1 under 35 U.S.C. § 112, first paragraph; and
- Indicated that claims 2-8 would be allowable if rewritten in independent form.

By this amendment, Applicants cancel claim 2 and 3 without prejudice or disclaimer; amend claims 1 and 4-8; and add new claims 9-13. Claims 1 and 4-13 are now pending.

Rejection of Claim 1 under 35 U.S.C. § 112, first paragraph

On page 2 of the Office Action, the Examiner rejected claim 1 alleging that “there is nothing in the claim that would indicate that the sensor has ‘sensed’ an odor.”

Applicant respectfully traverses the rejection of claim 1 under 35 U.S.C. § 112, first paragraph, however, to more quickly advance the prosecution of this application, Applicants amend claim 1 and asserts that, in view of the amendments enclosed herewith, the claims fully comply with the requirements of 35 U.S.C. § 112.

As amended claim 1 recites “wherein odor of an odorant is detected when the β -carotene in the mixed material absorbs and reacts with the odorant causing electric conduction property variation between the cathode electrode and the anode electrode.” Accordingly, claim 1 further clarifies that odor of an odorant can be detected based on, for example, electric conduction property variations between the cathode electrode and the anode electrode caused due to reaction of the odorant with β -carotene in the mixed

¹ The Office Action may contain a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

material. Exemplary support for the amendments can be found in, for example, paragraph [0030] beginning on pages 14.

Accordingly, claim 1 fully complies with the requirements of 35 U.S.C. § 112 and Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §112, first paragraph.

Independent claim 1 has been amended to respectively include the allowable subject matter of claims 2 and 3. The remaining claims depend from independent claim 1, and are therefore allowable based on their dependency.

New independent claims 9-13 include subject matter similar to the allowable subject matter of claims 2 or 3.

In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

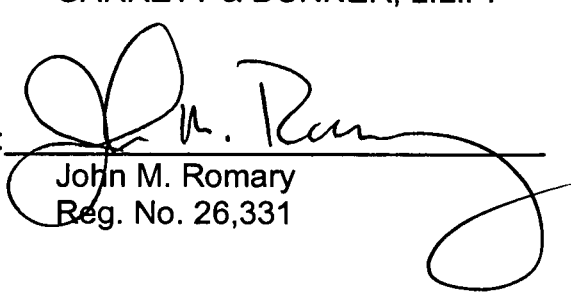
Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 15, 2009

By:


John M. Romary
Reg. No. 26,331

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